

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
CARLOS ANTHONY JONES) Case No. 18-07640-MH3-13
STEPHANIE DARLENE JONES) Chapter 13
) Judge Harrison
Debtors.)

THE DEADLINE FOR FILING A TIMELY RESPONSE IS: July 22, 2019
IF A RESPONSE IS TIMELY FILED THE HEARING DATE WILL BE: July 31, 2019 at 8:30 am
Customs House, Courtroom 1, 701 Broadway, 2nd Fl, Nashville, TN, 37203

TRUSTEE'S NOTICE OF MOTION TO DISALLOW IN PART CLAIM OF CHALET SERIES III TRUST (PAYEE SERVIS ONE, INC., DBA BSI FINANCIAL SERVICES) (COURT CLAIM 18), REQUEST FOR RELIEF UNDER RULE 3001(c)(2)(D), AND REQUEST TO DETERMINE AMOUNT NECESSARY TO CURE THE DEFAULT

Henry E. Hildebrand, III, Chapter 13 Trustee, has asked the court for the following relief: Motion to Disallow in part the Claim of Chalet Series III Trust (Payee Servis One, Inc., dba BSI Financial Services) (Court claim 18), Request for Relief under Rule 3001(c)(2)(D), and Request to Determine Amount Necessary to cure the default

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before the response date stated above, you or your attorney must:

1. File with the court your response or objection explaining your position. Please note: the Bankruptcy Court for the Middle District of Tennessee requires electronic filing. Any response or objection you wish to file must be submitted electronically. To file electronically, you or your attorney must go to the court website and follow the instructions at: <<https://ecf.tnmb.uscourts.gov>>.

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736 5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. Your response must state the deadline for filing responses, the date of the scheduled hearing and the motion to which you are responding.

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. **THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.** You may check whether a timely response has been filed by viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney does not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

/s/ James M. Davis
James M. Davis, Counsel to the Chapter 13 Trustee

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

IN RE:)
)
CARLOS ANTHONY JONES) Case No. 18-07640-MH3-13
STEPHANIE DARLENE JONES) Chapter 13
) Judge Harrison
Debtors.)

MOTION TO DISALLOW IN PART THE CLAIM OF CHALET SERIES III TRUST (PAYEE SERVIS ONE, INC., DBA BSI FINANCIAL SERVICES) (COURT CLAIM 18), REQUEST FOR RELIEF UNDER RULE 3001(C)(2)(D), AND REQUEST TO DETERMINE AMOUNT NECESSARY TO CURE THE DEFAULT

Henry E. Hildebrand, III, Chapter 13 Trustee, by and through counsel, respectfully requests that the Court disallow in part the claim of Chalet Series III Trust (Payee Servis One, Inc., dba BSI Financial Services) (Court claim 18), requests that the Court grant relief under Rule 3001(c)(2)(D), and requests that the Court determine the amount necessary to cure the default on the claim.

The proof of claim asserts a security interest in the debtors' principal residence but fails to provide information in accordance with Rule 3001(c), as follows:

- The loan history on Form 410A does not begin with the first date of default.
- The escrow statement provided with the proof of claim was not prepared as of the date of the petition.

In the absence of any loan history—as required by Form 410A and Rule 3001(c)—showing prepetition payments due and unpaid, the Trustee objects to the claimed arrearage and requests that the Court determine that the amount necessary to cure the prepetition arrearage is \$0.

In addition to the relief requested above, the Trustee requests that the Court award any other relief that the Court determines is appropriate, including but not limited to precluding the claimant from presenting omitted information in any contested matter or adversary proceeding and awarding the Trustee reasonable expenses and attorney's fees.

WHEREFORE, the premises considered, the Trustee requests that the Court disallow in part the claim of Chalet Series III Trust (Payee Servis One, Inc., dba BSI Financial Services) (Court claim 18), requests that the Court grant relief under Rule 3001(c)(2)(D), and requests that the Court disallow the claimed prepetition arrearage and determine that the amount necessary to cure the prepetition arrearage is \$0.

Respectfully submitted,

/s/ James M. Davis
James M. Davis
Counsel to the Chapter 13 Trustee
P. O. Box 340019
Nashville, TN 37203-0019
615-244-1101; Fax 615-242-3241
www.ch13nsh.com
pleadings@ch13nsh.com

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on June 21, 2019, true and correct copies of the attached notice, motion, and proposed order were served in the following manner:

By Electronic Case Noticing to:

U.S. Trustee, 318 Customs House, 701 Broadway, Nashville, TN 37203

By U. S. Postal Service, postage prepaid to:

Carlos Anthony Jones, Stephanie Darlene Jones, 1703 Kendall Cove Ln, Mt. Juliet, TN 37122;

Clark & Washington, PC, 237 French Landing Dr, Nashville, TN 37228

Chalet Series III Trust, Attn: Officer, Managing or General Agent, 7114 E. Stetson Dr, Ste 250, Scottsdale, AZ 85251;

Servis One, Inc., dba BSI Financial Services, c/o InCorp Services, Inc., 216 Centerview Dr, Ste 317, Brentwood, TN 37027-3226;

Servis One, Inc., dba BSI Financial Services, Attn: Officer, Managing or General Agent, 7505 Irvine Center Dr, Irvine, CA 92618

Respectfully submitted,

/s/ James M. Davis

James M. Davis

Counsel to the Chapter 13 Trustee

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IN RE:)
)
CARLOS ANTHONY JONES) Case No. 18-07640-MH3-13
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) Judge Harrison
Debtors.)

PROPOSED

ORDER DISALLOWING IN PART CLAIM OF CHALET SERIES III TRUST (PAYEE SERVIS ONE, INC., DBA BSI FINANCIAL SERVICES) (COURT CLAIM 18) AND DETERMINING AMOUNT NECESSARY TO CURE THE DEFAULT

It appearing to the Court, based upon the request of the Trustee as indicated by his electronic signature below, that the Trustee has filed a notice and motion seeking the disallowance in part of the claim of Chalet Series III Trust (Payee Servis One, Inc., dba BSI Financial Services) (Court claim 18) and requesting that the Court determine the amount necessary to cure the default on the claim, and that the Trustee has received no objection to the motion, it is, therefore,

ORDERED, the proof of claim does not provide the information required by Rule 3001(c), including the following deficiencies:

- The claimant's loan history on Form 410A does not begin with the first date of default.
- The escrow statement provided with the proof of claim was not prepared as of the date of the petition; it is further

ORDERED, in the absence of any loan history showing payment due and unpaid, the Court determines that the amount necessary to cure the prepetition arrearage is \$0 and disallows the claimed amount; it is further

ORDERED, this order shall not affect the "gap" arrearage for the postpetition, preconfirmation period from December 2018 through February 2019, inclusive, currently calculated as \$4,313.37 based on the monthly payment stated on the filed proof of claim.

THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED AT THE
TOP OF THE FIRST PAGE.

APPROVED BY:

/s/ James M. Davis
James M. Davis
Counsel to the Chapter 13 Trustee
P. O. Box 340019
Nashville, TN 37203-0019
615-244-1101; Fax 615-242-3241
pleadings@ch13nsh.com